

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2008-050966

11/19/2009

HONORABLE EDDWARD BALLINGER, JR.

CLERK OF THE COURT  
R. Tomlinson  
Deputy

HELVETICA SERVICING INC

DONNELLY A DYBUS

v.

KELLY R PASQUAN, et al.

MARY GRACE MCNEAR

DANIEL L KLOBERDANZ  
VISHNU R JONNALAGADDA

MINUTE ENTRY

10:07 a.m. This is the time set for an Order to Show Cause Hearing. Present on behalf of the Plaintiff is counsel, Donnelly Dybus. Defendant Kelly Pasquan is present with counsel, Mary Grace McNear. Defendant Michael Pasquan is present with counsel, Daniel Klobberdanz. Present on behalf of Assignee Ronald Gold is counsel, Vishnu Jonnalagadda.

Court reporter, Kim Hannan, is present.

Discussion is held with respect to the Assignment of Redemption Rights filed on November 9, 2009, wherein Ronald L. Gold is named as successor-in-interest of redemption rights from Assignor and Judgment Debtor, Kelly R. Kopp f/k/a/ Kelly R. Pasquan and its possible effect on Court orders currently in place in this matter.

For the reasons set forth on the record, the Court cannot conclude at this time that there is an effective redemption right that has been effectively exercised.

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Ms McNear moves orally for a temporary stay of the Court's order directing her client to vacate the premises, until December 31, 2009.

The Court inquires as to the parties' positions regarding the estimated fair market rental value of the property. Plaintiff states its position as \$20,000.00 per month; Defendant states her position as \$1,000.00 per month.

Discussion is held with respect to the \$30,000.00 cash bond requirement the Court would impose in the event the request to stay this matter is granted.

Mr. Jannalagadda states his client's intent to file a motion to intervene in the underlying Interpleader Action and requests that the matters be consolidated.

The Court declines any request(s) to consolidate this matter at this time.

10:25 a.m. Court stands at recess.

10:36 a.m. Court reconvenes with respective parties and counsel present.

Court reporter, Kim Hannan, is present.

The Court clarifies the terms and conditions of the bond.

Ms McNear reurges and modifies her oral motion to stay this matter until December 1, 2009, at which time Ms Pasquan (Kopp) will either vacate the premises or will post the \$30,000.00 bond.

Ms Pasquan (Kopp) requests that no bond be required and that she be permitted to vacate the property not later than December 1, 2009.

**IT IS ORDERED** denying the request.

Upon Ms McNear and Ms Pasquin's avowals that Ms Pasquin will vacate the property,

**IT IS ORDERED** that Ms Pasquan (Kopp) shall have completed vacated the property by no later than **8:00 a.m., November 24, 2009**, failing which she shall be held in contempt of court and shall be remanded into custody. No further extensions to this deadline shall be considered.

**IT IS FURTHER ORDERED** continuing the Order to Show Cause Hearing set for this date to **November 24, 2009 at 8:15 a.m.** In the event that Ms Pasquan (Kopp) has complied

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fully with this Court's order to vacate the subject property prior to this hearing date and time, counsel may contact the Court to request the hearing be vacated.

**IT IS FURTHER ORDERED** denying Defendant Kelly Kopp's Motion to Vacate Order to Show Cause and Hearing Thereon filed November 17, 2009, as moot.

11:10 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>